IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

143 ***CWP-2140-2025 (O&M)***
Date of Decision:-27.01.2025

Ganika Steels ....Petitioner

Vs.

Union of India & ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Anurag Sharma, Advocates
for the petitioner

Ms. Gauri Neo Rampal, Sr. Standing counsel with
Mr. V.Vedika Rao, Advocate
for the respondent-Union of India.

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SUDEEPTI SHARMA, J.

1. Challenge in the instant writ petition is to order dated 05.02.2024 issued under Section 148 A(d) of the Income Tax Act, 1961 (for short 'Act 1961") and notice dated 05.02.2024 issued under Section 148 of the Act, 1961, for AY 2020-2021.

2. Learned counsel for the petitioner contends that the issue involved in the present writ petition is covered by the judgment passed by a Co-ordinate Bench of this Court in the cases of ***Jatinder Singh Bhangu vs. Union of India and others***, passed in CWP No. 15745-2024 and connected matter, decided on 19.07.2024 and ***Jasjit Singh vs. Union of India and others*** (CWP No. 21509-2023 and other connected matters), decided on 29.07.2024 .

3. Learned counsel appearing for Union of India has also not disputed the same.

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4. We have heard learned counsel for the parties and perused the whole records of the case.

5. The petitioner has challenged the order dated 05.02.2024 issued under Section 148 A(d) of the Act, 1961 and notice dated 05.02.2024 issued under Section 148 of the Act, 1961 for AY 2020-21, on the ground that the Issuing Authority had no jurisdiction to issue the same, in view of the circular/notification dated 29.03.2022 of the CBDT, wherein, it has been specifically enumerated that the NFAC has exclusive power to issue the notice under Section 148 of the Act, 1961.

6. A Co-ordinate Bench of this Court in ***Jatinder Singh Bhangu's case (supra) and Jasjit Singh's case (supra),*** allowed the writ petitions on the same issue, as raised in the present writ petition, by granting liberty to the revenue to follow the procedure as laid down under the Act, 1961 and proceed accordingly, if so advised.

7. In view of the above, the present writ petition is disposed of, in terms of ***Jatinder Singh Bhangu's case (supra),*** decided on 19.07.2024 and ***Jasjit Singh's case (supra),*** decided on 29.07.2024

8. All the pending applications, if any, also stand disposed of.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

27.01.2025
Gaurav Arora

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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